

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: Planning

AGENDA ITEM WORDING: Approval for the transfer of one buildable lot from Andrew & Erica Makar to Monroe County by Warranty Deed and approval for one Restrictive Covenant to have one dwelling unit on contiguous lots described as Lots 1 & 2, Block 11, South Creek Village, Key Largo.

ITEM BACKGROUND: On March 28, 2004 the Planning Commission approved an allocation award for the applicants listed below provided the applicants' Warranty Deed and Restrictive Covenant are approved by the BOCC. Andrew & Erica Makar submitted the Warranty Deed to donate one lot to Monroe County & the Restrictive Covenant to Monroe County. The applicants are receiving a dwelling unit allocation award for the year ending July 13, 2004, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

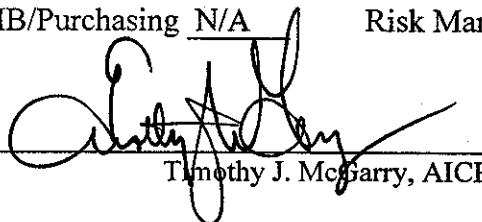
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No AMOUNT PER MONTH N/A Year

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:



Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # K10

M E M O R A N D U M

TO: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director 
DATE: June 16, 2004
RE: Clarification of Agenda Item

Land Dedications & Lot Aggregation

Permit Number	Name on Agenda Item	Name on Warranty Deed	Legal Description
03-3-1957	Andrew & Erica Makar	Andrew & Erica Makar	Lot 1, Block 34, Sands Subdivision, Big Pine Key
03-3-1957	Andrew & Erica Makar	Andrew & Erica Makar	Lots 1 & 2, Block 11, South Creek Village, Key Largo

This instrument was prepared by:
Gay Marie Smith
PO Box 1638
Tavernier, FL 33070

LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS**, Andrew W. and Erica Bole Makar, a married couple, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

Lot(s): 1 & 2 Block: 11

Subdivision: South Creek Village

Key: Largo PB: 3-85

Real Estate #(s) 00468360.000000 & 00468370.000000; and

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and
3. **WHEREAS**, the above described parcel(s) were assigned additional points in the Permit Allocation System for building permit #03-3-1957 for the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
 - The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
 - The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention if the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 13 day of May, 2004.

WITNESSES:

Sally J. Rohdy
Signature

SALLY J. ROHDY
Printed Name – Witness To Both

Wendy Davis
Signature

WENDY DAVIS
Printed Name-Witness To Both

OWNER OR OWNERS

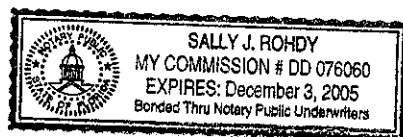
Andrew W. Makar
Andrew W. Makar

Erica Bole Makar
Erica Bole Makar

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature]
ATTORNEY'S OFFICE
DATE 6/1/04

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 13th day of May, 2004, by Andrew W and Erica Bole Makar, who are personally known to me or produced DRIVERS LICENSE as proof of identification and did take an oath.



My Commission Expires

Sally J. Rohdy
Notary Public (Print Name)

SALLY J. ROHDY
Notary Public (Signature)

Sally J. Rohdy

This instrument was prepared by:
Gay Marie Smith
PO Box 1638
Tavernier, FL 33070

WARRANTY DEED

This Indenture made this ____ day of _____, 200__ between Andrew and Erica Makar, a married couple, whose post office address is 312 Sound Drive, Key Largo, FL 33037 in the County of Monroe, State of Florida, grantor, and THE COUNTY OF MONROE, a political subdivision of the State of Florida, whose post office address is c/o Board of County Commissioners, 500 Whitehead Street, Key West, FL 33040, of the county of MONROE, State of FLORIDA, grantee.

WITNESSETH, That said grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land situate, lying and being in Monroe County, Florida, to-wit:

Lot 1, Block 34 of Sands Subdivision according to the Plat thereof, as recorded in Plat Book 1 at Page 65 of the Public Records of Monroe County, Florida

RE #00304630.000000

Subject to taxes subsequent to date of transfer. Subject to all conditions, easements, restrictions and limitations of record, if any.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said grantor have signed and sealed these presents the day and year the first above written.

Signed, sealed and delivered in our presence:

Sally J. Rohdy
Signature of Witness

SALLY J. ROHDY
Printed or Typed Name - Witness to Both

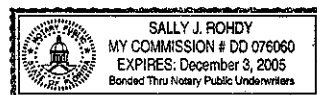
Wendy Davis
Signature of Witness

WENDY DAVIS
Printed or Typed Name - Witness To Both

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 13 day of May, 2004, by Andrew and Erica Makar who are personally known to me or have produced DRIVER'S as identification

My Commission Expires:



Andrew Makar
Andrew Makar
312 Sound Drive
Key Largo, FL 33037

Erica Makar
Erica Makar
312 Sound Drive
Key Largo, FL 33037

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature]
ATTORNEY'S OFFICE
DATE 6/1/04

Sally J. Rohdy
Notary Public

SALLY J. ROHDY
Printed, typed or stamped name